

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DROPCASES, LTD.,

Plaintiff,

-against-

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

Defendants.

Case No. 1:24-cv-02589 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

This case commenced on April 5, 2024. Dkt. 1. On July 30, 2024, following a large volume of voluntary dismissals as to individual defendants, and no updates as to service regarding any remaining defendants, the Court ordered Plaintiff to file a letter on the docket indicating which defendants still remained in this action. Dkt. 82 at 2. Plaintiff filed a letter on August 15, 2024 stating that “Plaintiff is in the process of effecting service of those [defendants] that remain.” Dkt. 89 at 1. The Court then ordered Plaintiff to file an additional letter identifying all defendants that remain in this action and the status of service with respect to each defendant. Dkt. 92 at 1. Plaintiff filed a letter on September 19, 2024, listing all defendants and stating conclusorily that “Plaintiff is in the process of effecting service of those [defendants] that remain.” DKt. 95 at 1. On September 23, 2024, because Plaintiff failed to comply with the Court’s previous order requiring Plaintiff to identify the status of each defendant remaining in this action, the Court again ordered Plaintiff to do so. Dkt. 96 at 1.

Plaintiff then filed a letter on September 25, 2024 stating that there were sixty total defendants remaining in this action, forty-five of which located in China, and that Plaintiff “ha[s] chosen to notify small groups of defendants at a time to manage the budget and status


of responses, if any.” Dkt. 97 at 1. The Court then ordered Plaintiff to provide a further status update regarding all defendants no later than October 9, 2024, and ordered Plaintiff to show cause why this action should not be dismissed as to all defendants located in the United States for failure to comply with Federal Rule of Civil Procedure 4(m). Dkt. 98 at 2.

Plaintiff then voluntarily dismissed all defendants not located in China. Dkt. 100. Plaintiff also filed an additional letter update on October 9, 2024 stating that it retained an attorney in China who sent a copy of the complaint in this action to three total defendants. Dkt. 101. Plaintiff reiterates that it has chosen to “contact[] the remaining defendants in groups.” *Id.*

Plaintiff provides no authority on which it is permitted to simply proceed to serve the forty-five defendants in small groups. Indeed, it has taken over six months and repeated orders from the Court for Plaintiff to even attempt to serve the first three defendants in this action. Plaintiff is hereby ORDERED to proceed promptly with service as to all defendants remaining in this action, and to provide a further status update as to service by October 21, 2024. Plaintiff is warned that failure to proceed promptly with the service process as to all defendants may result in dismissal of the remainder of this action for failure to prosecute.

Dated: October 15, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge